

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

7 CHARLES NEWTON,  
8 Plaintiff,  
9 v.  
10 STATE OF NEVADA et al.,  
11 Defendants.  
12

2:16-cv-01824-KJD-GWF

## ORDER

## I. DISCUSSION

14 Plaintiff is a *pro se* prisoner in the custody of the Nevada Department of Corrections  
15 (“NDOC”). Over the past two months, Plaintiff has initiated four prisoner-conditions-of-  
16 confinement-cases.<sup>1</sup> In case 2:16-cv-01770-JCM-PAL, Plaintiff filed a fully complete  
17 application to proceed *in forma pauperis*. (ECF No. 6). In the three other conditions-of-  
18 confinement-cases, Plaintiff has not filed fully complete applications to proceed *in forma*  
19 *pauperis*. Plaintiff asserts that he has had difficulties obtaining financial certificates from the  
20 prison.

21 In the present case, the Court directed Plaintiff to file a fully completed application to  
22 proceed *in forma pauperis* or to pay the full \$400 filing fee by September 2, 2016. (ECF No.  
23 3). On August 8, 2016, Plaintiff filed an incomplete application to proceed *in forma pauperis*  
24 and an affidavit explaining that he has had difficulties obtaining a financial certificate from  
25 prison officials. (ECF No. 4, 4-1). On August 15, 2016, Plaintiff filed a motion asking the Court

<sup>1</sup> See *Newton v. Wintersteen*, 2:16-cv-01705-RFB-PAL; *Newton v. State of Nevada*, 2:16-cv-01824-KJD-GWF; *Newton v. State of Nevada*, 2:16-cv-01915-JAD-CWH; and *Newton v. State of Nevada*, 2:16-cv-01770-JCM-PAL.

Plaintiff also initiated a case challenging his arrest, *Newton v. State of Nevada*, 2:16-cv-01672-APG-GWF. The Court will address his *in forma pauperis* application issues in a separate order in that case.

1 to compel prison officials to execute a completed financial certificate for him. (ECF No. 6).

2 In light of Plaintiff's difficulties in obtaining a financial certificate and an inmate account  
3 statement from the prison, the Court grants Plaintiff until Friday, September 30, 2016, to file  
4 a fully complete application to proceed *in forma pauperis* in each of the three conditions-of-  
5 confinement-cases that contain incomplete applications. Plaintiff should again request  
6 financial certificates and inmate account statements from prison officials for each of his three  
7 conditions-of-confinement-cases. Plaintiff must file a completed application to proceed *in*  
8 *forma pauperis* for each case he wishes to pursue in this Court.

9 If, however, Plaintiff continues to have difficulty obtaining financial certificates and  
10 inmate account statements for each of his cases, Plaintiff shall file an affidavit in each of his  
11 cases detailing when he requested the documents, who he spoke to about the status of the  
12 documents, who he followed up with after he did not receive the documents, and their  
13 responses. In other words, if Plaintiff is unable to acquire the necessary documents from  
14 prison officials, he must provide the Court with an affidavit that demonstrates that he has done  
15 all that he could to acquire the documents by the Court's deadline. Plaintiff's affidavit should  
16 include dates of his requests, dates of his follow-up requests, names of the prison officials that  
17 he spoke to about the matter, and their responses. If Plaintiff's affidavit demonstrates that he  
18 has done all that was possible to acquire the documents, the Court will consider his application  
19 to proceed *in forma pauperis* complete.

20 **II. CONCLUSION**

21 For the foregoing reasons, IT IS ORDERED that the motion to compel (ECF No. 6) is  
22 denied.

23 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the  
24 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document  
25 entitled information and instructions for filing an *in forma pauperis* application.

26 IT IS FURTHER ORDERED that **on or before Friday, September 30, 2016**, Plaintiff  
27 shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct  
28 form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) file

1 an affidavit detailing the efforts he took to acquire a financial certificate and an inmate account  
2 statement from prison officials. If Plaintiff chooses to file an affidavit, his affidavit must  
3 describe the actions he took to acquire the documents through Friday, September 23, 2016.  
4 Plaintiff shall not file an affidavit before that date.

5 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
6 dismissal of this action may result.

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8 DATED: This 23rd day of August, 2016.

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United States Magistrate Judge

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